

FILED

07 NOV -8 PM 12:47

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 FERNANDO RENDON-GUTIERREZ.

2 ULK 056 21 A 2

3 5325 BRODER BLVD.

4 DUBLIN, CALIFORNIA 94568

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA

12 PLAINTIFF

13 VS.

14 APPROXIMATELY \$73,306 IN

15 UNITED STATES CURRENCY

16 DEFENDANT

17 VS.

18 FERNANDO RENDON-GUTIERREZ

19 CLAIMANT

CASE No. C07-3680 MEJ

ANSWER TO NOTICE

OF FORFEITURE ACTION

20 1) CLAIMANT, FERNANDO RENDON-GUTIERREZ, COMES BEFORE THE  
21 COURT IN THE ABOVE CAPTIONED CIVIL CASE FOR FORFEITURE OF  
22 DEFENDANT PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE  
23 SUPPLEMENTAL RULES UNDER THE ADMIRALTY, MARITIME CLAIMS,  
24 RULE G (5) (a)

25 2) CLAIMANT IS THE LAWFUL OWNER OF APPROXIMATELY \$73,306 IN UNITED  
26 STATES CURRENCY, AND AS SUCH HAS A LAWFUL RIGHT TO SUCH CURRENCY.

27 JURISDICTION

28 3) THIS COURT HAS JURISDICTION PURSUANT TO 28 U.S.C 1345 AND 1355 AND 21 USC 881 (a) (6)

(1)

PARTIES

4) PLAINTIFF IS THE UNITED STATES OF AMERICA.

5) DEFENDANT IS APPROXIMATELY \$73,306 IN UNITED STATES CURRENCY.

6) CLAIMANT IS FERNANDO RENDON GUTIERREZ.

ANSWER TO COMPLAINT

7) CLAIMANT ADMITS OR DENIES IN WHOLE OR PART THE FACTS CONTAINED IN THE COMPLAINT FOR FORFEITURE AS STATED BELOW:

8) CLAIMANT DENIES THE ALLEGATION IN PARAGRAPH 7.

9) CLAIMANT DENIES THE ALLEGATION IN PARAGRAPH 8, LINE 18 AND PART OF 19.

ADMITS 2<sup>ND</sup> HALF OF LINE 19, ALL OF 20 AND 21 EXCEPT THE LAST SEVEN WORDS

WHICH IS DENIED. ADMITS THE LAST SENTENCE OF LINE 21, AND THE REMAINDER OF THE PARAGRAPH.

10) CLAIMANT CAN NEITHER ADMIT OR DENY PARAGRAPH 9.

11) CLAIMANT ADMITS PARAGRAPH 10.

12) CLAIMANT ADMITS THE FIRST PART (LINE 15 TO 18) OF PARAGRAPH 11 AND CAN NEITHER ADMIT OR DENY THE REMAINDER.

13) CLAIMANT ADMITS LINE 21 THROUGH THE END OF LINE 26 AND THE FIRST WORD OF LINE 27 OF PARAGRAPH 12 AND DENIES THE REMAINDER.

14) CLAIMANT DENIES PARAGRAPH 13.

VIOLATION

15) CLAIMANT INCORPORATES BY REFERENCE THE ANSWER TO THE FACTS CONTAINED IN THE COMPLAINT FOR FORFEITURE AS THOUGH FULLY SET FORTH.

16) CLAIMANT DENIES THAT THERE IS AVIOLATION OF 21 USC 881 (a) (6)

THEREFORE NO CAUSE EXISTS FOR PLAINTIFF TO SEIZE AND CAUSE THE FORFEITURE OF DEFENDANT. IN ADDITION THERE IS NO EVIDENCE OF THE INTENDED USE

OF SAID CURRENCY, NO CONTROLLED SUBSTANCE LISTED IN SUBCHAPTER 1, CHAPTER 13

OF TITLE 21 U.S.C. CAN OR WAS IDENTIFIED, WHICH ALLEGATIONS AMOUNT

TO SUPPOSITION AND CONJECTURE.

1 17) IN VIEW OF THE FOREGOING, DEFENDANT, APPROXIMATELY \$73,306 IN UNITED  
2 STATES CURRENCY IS NOT SUBJECT TO JUDICIAL FORFEITURE.

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4 WHEREFORE CLAIMANT, FERNANDO RENDON-GUTIERREZ, REQUESTS THAT DOE  
5 PROCESS ISSUE TO RETURN DEFENDANT TO CLAIMANT; THAT PLAINTIFF RETURN  
6 TO CLAIMANT ALL OTHER PROPERTY SEIZED TO INCLUDE THE VEHICLE; FURTHER  
7 THAT PLAINTIFF PAY ALL LEGAL FEES ASSOCIATED WITH THE COMPLAINT FOR  
8 FORFEITURE; OTHER SUCH RELIEF DEEMED JUST AND APPROPRIATE BY THE COURT.

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10 VERIFICATION

11 I, FERNANDO RENDON-GUTIERREZ, AM THE CLAIMANT IN THE ABOVE ENTITLED  
12 ANSWER TO THE COMPLAINT FOR FORFEITURE. I DECLARE UNDER THE PENALTY  
13 OF PERJURY THAT ALL STATEMENTS CONTAINED HEREIN ARE TRUE OF MY OWN  
14 KNOWLEDGE AND BELIEF.

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16 EXECUTED THIS 5<sup>TH</sup> DAY OF NOVEMBER 2007, AT DUBLIN, CALIFORNIA

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18 Fernando Rendon Gutierrez  
19 FERNANDO RENDON-GUTIERREZ, CLAIMANT  
IN PRO PER

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